

**NOMINATION OF CHRISTOPHER E. O'CONNOR,
TO BE ASSISTANT SECRETARY FOR CONGRES-
SIONAL AND LEGISLATIVE AFFAIRS, U.S.
DEPARTMENT OF VETERANS AFFAIRS**

HEARING

BEFORE THE

**COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

JUNE 21, 2016

Printed for the use of the Committee on Veterans' Affairs



Available via the World Wide Web: <http://www.fdsys.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

26-819 PDF

WASHINGTON : 2018

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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**NOMINATION OF CHRISTOPHER E. O'CONNOR,
TO BE ASSISTANT SECRETARY FOR CON-
GRESSIONAL AND LEGISLATIVE AFFAIRS,
U.S. DEPARTMENT OF VETERANS AFFAIRS**

TUESDAY, JUNE 21, 2016

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:35 p.m., in room 418, Russell Senate Office Building, Hon. Johnny Isakson presiding.

Present: Senators Isakson, Boozman, Cassidy, Rounds, Sullivan, Blumenthal, Brown, Tester, Hirono, and Manchin.

**OPENING STATEMENT OF HON. JOHNNY ISAKSON, CHAIRMAN,
U.S. SENATOR FROM GEORGIA**

Chairman ISAKSON. I call this hearing of the Senate Foreign Relations—Senate Veterans' Affairs Committee together. We just left Foreign Relations. That is why I did that, I guess.

Welcome. We are glad to have you, Colonel. We will be with you in 1 second. We will have opening statements, then we will introduce you accordingly, and I will make an opening statement about the same.

We welcome Colonel O'Connor for being here today. We appreciate his public service to the Veterans Administration and the U.S. Military. He has had a distinguished career. We have enjoyed working with him at the VA and will enjoy working with him in the future, so I am sure this confirmation hearing will go well. With that said, I turn to the Ranking Member, Senator Blumenthal, for any opening statement he may make.

**OPENING STATEMENT OF HON. RICHARD BLUMENTHAL,
RANKING MEMBER, U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Just very briefly, Mr. Chairman.

Col. O'Connor, I want to thank you for your service to our Nation, as well as your wife, Debbie, and your children, Katie and Colin. I think they may be here today. Families share in public service, as we all know.

I want to thank you for the work you have done already with my office on various issues concerning Connecticut's Veterans Administration activities, including the West Haven VA Hospital where you were very important, assisting us in seeking to make the pedestrian access safer. This work is ongoing and should be completed

as quickly as possible. We will be talking more about that as well as about other issues over the coming months.

I thank you again for your service.

Chairman ISAKSON. Under the rules of the Committee, the testimony of all Presidential nominees appearing before the Committee must be taken under oath.

Colonel, I would ask you to raise your right hand and repeat after me. Do you solemnly swear or affirm that the testimony you are about to give before the Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth; so help you, God?

Colonel O'CONNOR. I do.

Chairman ISAKSON. Please be seated.

I would be happy to recognize you for up to 5 minutes for any opening statement you would like to make.

**STATEMENT OF COL. CHRISTOPHER E. O'CONNOR, USM (RET.),
NOMINEE FOR ASSISTANT SECRETARY FOR CONGRES-
SIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF
VETERANS AFFAIRS**

Colonel O'CONNOR. Thank you very much, Chairman Isakson, Ranking Member Blumenthal, distinguished Members of the Committee on Veterans' Affairs. Thank you for the opportunity to testify before you today and for your consideration of my nomination to serve as the Department of Veterans Affairs Assistant Secretary for Congressional and Legislative Affairs. I am deeply humbled by President Obama's nomination and the confidence that both he and Secretary McDonald have shown in me.

I would like to recognize my family members that are here with me today: my wife, Debbie, who has supported me for 32 years, many of those of which I have been deployed, serving my country; my daughter, Katie, who has one class left for her degree at University of Mary Washington; and my son, Colin, who is a sophomore at Rensselaer Polytechnic Institute. Their support has been invaluable for me.

I would also like to thank my parents, Bernie and Jane O'Connor. My dad, who is no longer with us, was a World War II veteran Marine who served in the Corps and participated in the landings at Iwo Jima and Okinawa. I would also like to thank my father-in-law, Jack Keane, who is a retired Marine and Vietnam veteran. Both of them had a tremendous influence on me and taught me a great deal about leadership.

I am proud to say that my oldest son, Brian, who was commissioned a second lieutenant in the Marine Corps last summer and is now going through flight training in NAS Pensacola, is carrying on a tradition of military service.

I was privileged to serve in the Marine Corps for over 30 years. During my career as a Marine aviator, I was fortunate to serve with young men and women who truly represented the best there is about our country.

While I was in the Marine Corps, I also worked congressional affairs, where I learned firsthand the value of working together with Congress to solve problems, to take care of Marines, and create an unparalleled partnership. As an air station commander at MCAS

Miramar in California, I worked very closely with the local congressional delegation on preserving the operational capabilities of the air station and taking care of Marines. A congressional delegation's support was essential to accomplishing these important tasks.

When I was offered the opportunity to work at VA in early 2010 after I had retired, I quickly accepted it. I publicly want to thank former Assistant Secretary Joan Mooney for giving me the chance to continue to serve those I have served with.

Working on, and in support of, veterans issues is the right post-military duty for me. It has enabled me to continue to give back, to serve not only those I served with but to serve my son's generation as well. It is a passion for me. It is something that really is not about work, it is about service, not about the money but about caring, and it is about being part of something much bigger than myself.

That is why I am firmly committed to carrying out the MyVA Transformation that Secretary McDonald has outlined for the Department. Placing veterans at the center of everything the Department does is the right thing to do.

Under Secretary McDonald's leadership and Congress's support, the Department is changing. It is an irreversible change that is destined to make VA the number 1 customer service agency in the Federal Government and the employer of choice of veterans and health care professionals. It is an honor to be part of that transformational journey, to see the change, and to be part of the solution.

I have been extremely fortunate to work on a daily basis in VA with a talented group of individuals in the Office of Government Relations, who are dedicated to VA's mission and care deeply for the veterans they serve. I am very appreciative of everything they do on a daily basis and for the support they have given me over the last 2 years.

During my tenure in VA's Office of Government Relations, I have tried to ensure that there have been open lines of communications between the Department and Congress as we work together on so many important issues for veterans. I have increased engagement and increased proactive briefings on VA's initiatives, promoted increased access to senior leaders within the Department, and worked to create a collaborative relationship, especially in regards to veteran-centric legislation. Working closely together with your staffs on legislation such as the Choice Program and Appeals Modernization has demonstrated how important the congressional-VA partnership is for producing better results for veterans.

I firmly respect Congress's oversight role, and if confirmed, I will work tirelessly to improve the Department's responsiveness to congressional requests for information. I know there have been times where we could have done a better job and be more responsive, and I promise you I will work to improve our performance.

In closing, my experience in the Marine Corps working congressional affairs, as a base commander working with the local community and public leaders, and the knowledge I have gained over the last 6 years working in VA, have given me the skills and leadership and management experience to be an effective Assistant Secretary for Congressional and Legislative Affairs.

If confirmed, I look forward to working with you to further enhance the relationships between the Department and Congress so, together, we can meet the important needs of our veterans we proudly serve.

Thank you very much for the opportunity to testify before you today, and I look forward to your questions.

[The prepared statement of Christopher E. O'Connor follows:]

PREPARED STATEMENT OF CHRISTOPHER E. O'CONNOR, NOMINEE TO BE ASSISTANT SECRETARY, CONGRESSIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

CHAIRMAN ISAKSON, RANKING MEMBER BLUMENTHAL, DISTINGUISHED MEMBERS OF THE COMMITTEE ON VETERANS' AFFAIRS, Thank you for the opportunity to testify before you today and for your consideration of my nomination to serve as the Department of Veterans Affairs Assistant Secretary for Congressional and Legislative Affairs. I am deeply humbled by President Obama's nomination and the confidence that both he and Secretary McDonald have shown in me.

I would like to recognize my family members that are with me today. My wife Debbie who has supported me for 32 years, many of those when I have been off somewhere else, my daughter Katie, who has one class left at University of Mary Washington till graduation, and my son Colin, who is a sophomore at Rensselaer Polytechnic Institute. Their support has been invaluable to me.

I would also like to thank my parents Bernie and Jane O'Connor. My Dad is no longer with us. He was a World War II Marine who participated in the landings at Iwo Jima and Okinawa. I would also like to thank my father-in-law, Jack Keane, who is a Retired Marine and Vietnam Veteran. Both of them had a tremendous influence on me and taught me a great deal about leadership. I am also proud to say that my oldest son Brian, who was commissioned a second lieutenant in the Marine Corps last summer, and is now going through flight training at NAS Pensacola, Florida, is carrying on a tradition of military service.

I was privileged to serve in the United States Marine Corps for over thirty years. During my career I was fortunate to serve with young men and women who truly represented the best there is about our Country. While I was in the Marine Corps I also worked congressional affairs, and there I learned first-hand the value of working together with Congress to solve problems, to take care of Marines, and create an unparalleled partnership.

When I was offered the opportunity to work at VA in early 2010, I quickly accepted it. I publically want to thank former Assistant Secretary Joan Mooney for giving me the chance to continue to serve those I served with. Working on, and in support of, Veterans issues was the right post-military duty for me. It has enabled me to continue to give back, to serve not only those I served with, but to serve my son's generation as well. This is a passion for me and something that is not about work, but about service, not about money, but about caring. It is about being part of something much bigger than yourself.

That is why I am firmly committed to carrying out the MyVA Transformation that Secretary McDonald has outlined for the Department. Placing the Veteran at the center of everything the Department does is the right thing to do. Under Secretary McDonald's leadership, and with Congressional support, the Department is changing, and that includes the Office of Government Relations. In accordance with MyVA, we reorganized the office in order to be more responsive to you, our customers. We created an Outreach Directorate that is aligned with the Department's five districts that focuses on those Members of Congress who are not members of VA's committees of jurisdiction. The reorganization has improved our interactions with those Member offices and helped to provide reliable points of contact for staff to turn to for information. MyVA is an irreversible change that is destined to make VA the number one customer service agency in the Federal Government and the employer of choice of Veterans and health care professionals. It is an honor to be part of this transformation journey; to see the change; and to be part of the solution.

I have been extremely fortunate to work on a daily basis in VA with a group of talented individuals in the Office of Congressional and Legislative Affairs who are dedicated to VA's mission, and care deeply for the Veterans they serve. I am very appreciative of everything they do on a daily basis, and for the support they have given me over the last two years.

During my tenure in VA's Office of Congressional and Legislative Affairs, I have tried to ensure there have been open lines of communication between the Depart-

ment and Congress as we worked together on so many important issues for Veterans. I have increased engagement, promoted increased access to senior leaders, and worked to create a collaborative relationship, especially with regards to Veterans centric legislation. Working closely together with your staffs on legislation, such as the Choice Program, has demonstrated how important the Congressional—VA partnership is for producing better results for Veterans. I firmly respect Congress' oversight role and if confirmed, will work tirelessly to improve the Department's responsiveness to Congressional requests for information. I know there have been times when we could have been more responsive, and I promise you I will work to improve upon our performance and to streamline internal VA processes that contribute to unnecessary delays in getting information to Congress.

In closing, my experiences in the Marine Corps working congressional affairs, as a base commander working with the local community and public leaders, and the knowledge I have gained in VA over the last six years, have given me the skills, leadership, and management experience to effectively lead the Office of Congressional and Legislative Affairs.

If confirmed, I look forward to working with you to further enhance the relationship between the Department and Congress, so that together, we can meet the needs of the Veterans we proudly serve. Thank you very much for the opportunity to testify before you today and I look forward to your questions.

[The prehearing questions to Christopher E. O'Connor follows:]

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO CHRISTOPHER E. O'CONNOR, NOMINEE TO BE ASSISTANT SECRETARY FOR CONGRESSIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. During your time performing the duties of the Assistant Secretary for Congressional and Legislative Affairs, what have been the greatest challenges you have faced and what steps have you taken to address those challenges?

Response. The greatest challenge I have faced during the last two years has been balancing requirements against available personnel resources. Our office operates at an extraordinary pace. Our employees handle a multitude of important issues, with varying degrees of priority and sensitivity associated with each of them. To meet this challenge, we reorganized the office to balance the available personnel resources to focus on both the Members of our committees of jurisdiction and staff and also on the other Members of Congress. This reorganization has enabled us to provide greater support to Congress. To ensure we are focusing on the most pressing priorities, I meet with the directors each morning to review and reprioritize our work efforts for the day. During this meeting we candidly discuss how we are doing and where we are having problems and need to focus our attention on or ask for assistance.

One additional challenge we continuously face is receiving timely information from a Department with the scope and breadth of issues that are handled by VA. In addition to policy and program questions, the office frequently receives questions and inquiries related to actions being taken at the facility level. In FY 2015 and through mid-year of FY 2016 combined, the Department has provided responses to more than 4,400 requests for information, facilitated over 1200 briefings, and prepared witnesses for 117 hearings.

If confirmed, I will continue to work directly with VA senior leadership to ensure Subject Matter Experts within VA Central Office, as well as in the field in the 1700 points of care across the country, are aware of the importance of providing timely information to support Congressional requests for information.

Question 2. Please describe the system or process used to track incoming requests from Members of Congress, for categorizing the relative urgency of various types of requests, and for tracking the actions taken to address pending requests.

Response. Our office uses a proprietary Congressional Knowledge Management System (CKMS) to track incoming Congressional requests for information, hearing deliverables, and briefing requests. CKMS allows for tracking by sub-unit working the item as well as by the Member requesting the information. Background documents, emails and responses can be included with each item. A variety of reports can be generated to determine the age pending of Congressional inquiries. The urgency of requests is determined by the individual receiving the request.

Congressional inquiries come to VA through any of the office's congressional affairs employees, who are responsible for inputting the information into CKMS, tasking it to the appropriate VA organization for response, and following up to ensure the item is responded to. Each employee works closely with their colleagues to ensure inquiries are reviewed and prioritized appropriately.

If confirmed, I would review opportunities to enhance the organization's ability to monitor and track these requests by expanding CKMS or by examining the use of an alternative tracking system.

Question 3. What metrics does VA track to gauge whether Congressional offices are receiving timely, appropriate responses to their requests and what timeliness goals does VA have for responding to various types of Congressional requests?

Response. The Department and the office set goals and track metrics for responsiveness, and I also encourage the development of quality relationships between office personnel and the Congressional staff they interact with. These relationships are based on our ability to provide timely and accurate information, our ability to have productive and proactive conversations, and gather insights and information to better inform Department policy and actions.

The continuous and open dialog that the office had with Congressional staff during the development and improvements made to the draft appeals modernization legislation is indicative of the importance of strong relationships and open lines of communications.

While the Department attempts to proactively offer briefings on high-profile topics and provide information as quickly as possible, we certainly have significant room for improvement, and if confirmed, will continue to work to improve on the office's performance.

Question 4. What efforts, if any, have been made to compare those timeliness goals to the goals or response times for Congressional liaison offices at other agencies or to learn best practices from other agencies?

Response. VA is unique in its size and scope amongst civilian agencies, and VA's Office of Government Relations (OGR) is responsible for responding to Congress on behalf of the entire Department—VHA, VBA, NCA, OALC, HRA, IT, and more. In many cases in other Departments and agencies, each branch or division has its own Congressional Affairs office that is responsible for a significantly narrower scope of activity with Congress. This was the case when I worked in the Marine Corps Legislative Affairs office.

We can always learn from best practices of other organizations and, if confirmed, I look forward to working to identify ways to streamline VA processes. Shortly after assuming temporary responsibility for leadership of the office, I sought advice from respected and successful former Assistant Secretaries for Legislative Affairs in other agencies, and I have tried to incorporate that guidance to improve the office's performance. One specific idea is working with the Office of General Counsel on establishing a cell to respond to the most complex and sensitive Congressional requests for information.

Question 5. Please provide any metrics reflecting how long it takes to fulfill requests from Congress and the extent to which VA is meeting any established goals for timeliness, including a breakout of the various types of requests and types of offices (Committee Members, non-Committee Members, Committee staff, etc.) and any data or information reflecting timeliness trends over time.

Response. The metrics by which the Department measures requests vary based on the type and complexity of the inquiry and are often guided based on the turnaround timeline that comes in with the request.

The office's Metrics and Standard Operating Procedures (SOP) indicates the following targets:

- Testimony delivered on time 90% of the time.
- Questions for the Record: completed 30 days after receipt, 85% of the time.
- Requests for information: Answers to simple questions should be provided within 48 hours, all other questions should be provided within 10 business days, or the office notified if more time is needed for the response.
- Congressional Correspondence: work closely with the Executive Secretary in responding to Congressional letters. The Department does not have a specific time goal for responses.

Currently, metrics show that the Department has provided testimony on time 90% of the time so far this fiscal year. However, we have only provided on time responses to questions for the record 33% of the time. In this respect, and in others, we have significant room for improvement, and if confirmed, I will work to improve performance in these areas and to ensure that no Member's request is misplaced or delayed for an excessive period of time.

Question 6. What steps do you take to proactively monitor outstanding requests and to ensure that the answers provided are responsive to Members' requests?

Response. Congressional relations officers work with the VA organization providing the information to initially determine the status of the response. On other

than routine requests for information, or previously provided or public facing information, the information is reviewed by the congressional relations officer's director and either the Deputy Assistant Secretary or myself before it is transmitted to Congress to ensure it is responsive to the Member or committee staff's request. I have also directed the teams within office to meet regularly with VA organizations to review outstanding requests and go over any items that are of particular focus. Additionally, if confirmed, I will continue to raise directly with senior leaders those issues which require urgent attention.

Question 7. Please describe any steps you have taken to hold accountable employees who are not fulfilling requests in a timely or appropriate manner.

Response. Responding to requests in a timely manner is a joint effort that requires quick substantive input from the subject matter expert (SME), expedient clearance, and then providing the response to the Congressional Relations Officer for conveyance to the requesting Committee or Member of Congress.

Accountability is important, which is why each inquiry and request that comes in to the office is assigned an "owner." This individual is responsible for following up with the SME organization to express the urgency with which the requesting entity needs the information. They are responsible for making sure the request is not dropped and that it does not slip through the cracks.

As a leader I believe you need to lay out your expectations for your team so they are aware of what you expect from them. At the same time, I believe you need to provide feedback, letting the team know when they are performing well or need to step up their game. I also firmly believe that you praise individuals in public, and offer corrective encouragement in private. In those instances when an employee has not met expectations, I will counsel them, with their supervisor if they are not a direct report, and offer suggestions on how they could have done things differently in order to achieve better results.

[The Committee questionnaire for Presidential nominees follows:]

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

1. Basic Biographical Information

Please provide the following information.

| <i>Position to Which You Have Been Nominated</i> | |
|--|---------------------------|
| <u>Name of Position</u> | <u>Date of Nomination</u> |
| <u>Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs</u> | <u>June 6, 2016</u> |

| <i>Current Legal Name</i> | | | |
|---------------------------|--------------------|------------------|---------------|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> |
| Christopher | Edward | O'Connor | |

| <i>Addresses</i> | | | | | |
|---|--------------|---------------|---|--------------|---------------|
| <u>Residential Address</u> (do not include street address) | | | <u>Office Address</u> (include street address) | | |
| | | | Street: 810 Vermont Ave, NW | | |
| City: Dumfries | State: VA | Zip: 22025 | City: Washington | State: DC | Zip: 20420 |

| <i>Other Names Used</i> | | | | | | |
|-------------------------|--------------------|------------------|---------------|-----------------------------|--|--|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> | <u>Check if Maiden Name</u> | <u>Name Used From</u> (Month/Year) (Check box if estimate) | <u>Name Used To</u> (Month/Year) (Check box if estimate) |
| Christopher | Edward | Cahill | | | 11/1957 <input type="checkbox"/> Est | 8/1970 <input type="checkbox"/> Est |
| | | | | | <input type="checkbox"/> Est | <input type="checkbox"/> Est |

Adopted by Step Father in 1970.

| <i>Birth Year and Place</i> | |
|--|-----------------------|
| Year of Birth (Do not include month and day) | Place of Birth |
| 1957 | Albany, NY |

| <i>Marital Status</i> | | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| Check All That Describe Your Current Situation: | | | | | | |
| Never Married | Married | Separated | Annulled | Divorced | Widowed | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| <i>Spouse's Name (current spouse only)</i> | | | |
|--|-----------------------------|---------------------------|------------------------|
| Spouse's First Name | Spouse's Middle Name | Spouse's Last Name | Spouse's Suffix |
| Deborah | Ann | O'Connor | |

| <i>Spouse's Other Names Used (current spouse only)</i> | | | | | | |
|--|--------------------|------------------|---------------|---------------------------------|---|---|
| First Name | Middle Name | Last Name | Suffix | Check if Maiden Name | Name Used From (Month/Year) (Check box if estimate) | Name Used To (Month/Year) (Check box if estimate) |
| Deborah | Ann | Keane | | X | 1/1961 Est <input type="checkbox"/> | 10/1984 Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

| <i>Children's Names (if over 18)</i> | | | |
|--------------------------------------|--------------------|------------------|---------------|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> |
| Brian | Christopher | O'Connor | |
| Katherine | Elizabeth | O'Connor | |
| Colin | Patrick | O'Connor | |
| | | | |
| | | | |

2. Education

List all post-secondary schools attended.

| <u>Name of School</u> | <u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school) | <u>Date Began School</u> (month/year) (check box if estimate) | <u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school) | <u>Degree</u> | <u>Date Awarded</u> |
|------------------------------|--|--|---|---------------|---------------------|
| University of Rochester | University | 8/1975 Est <input type="checkbox"/> | 5/1979 Est <input type="checkbox"/> Present <input type="checkbox"/> | BA | 5/13/1979 |
| George Washington University | University | 8/1993 Est <input type="checkbox"/> | 12/1995 Est <input type="checkbox"/> Present <input type="checkbox"/> | MA | 1/30/1996 |
| | | Est <input type="checkbox"/> | Est <input type="checkbox"/> Present <input type="checkbox"/> | | |
| | | Est <input type="checkbox"/> | Est <input type="checkbox"/> Present <input type="checkbox"/> | | |

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

| <u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other federal employment, State Government (Non-federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other) | <u>Name of Your Employer/Assigned Duty Station</u> | <u>Most Recent Position Title/Rank</u> | <u>Location</u> (City and State only) | <u>Date Employment Began</u> (month/year) (check box if estimate) | <u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed) |
|---|--|--|--|---|--|
| Active Military Duty | U.S. Marine Corps MCB, Quantico | Student The Basic School/2ndLt | Quantico, VA | 5/1979 Est <input type="checkbox"/> | 10/1979 Est Present <input type="checkbox"/> |
| Active Military Duty | U.S. Marine Corps MCB, Camp Pendleton | Air Support Control Officer, MASS-3/1stLt | Oceanside, CA | 11/1979 Est <input type="checkbox"/> | 6/1981 Est <input type="checkbox"/> |
| Active Military Duty | U.S. Marine Corps MCB, Camp Butler | Aide de Camp, CG 1 st MAW/1stLt | Okinawa, Japan | 7/1981 Est <input type="checkbox"/> | 7/1982 Est <input type="checkbox"/> |
| Active Military Duty | U.S. Marine Corps MCB, Camp Pendleton | Platoon Commander, 3 rd FAAD/Capt | Oceanside, CA | 7/1982 Est <input type="checkbox"/> | 1/1984 Est <input type="checkbox"/> |
| Active Military Duty | U.S. Marine Corps NAS Pensacola | Student Flight School/Capt | Pensacola, FL | 1/1984 | 6/1985 |
| Active Military Duty | U.S. Marine Corps MCAS New River | Student HMT-204/Capt | Jacksonville, NC | 6/1985 | 3/1986 |
| Active Military Duty | U.S. Marine Corps MCAS Kaneohe | Assistant Operations Officer, HMH-463/Capt | Kaneohe Bay, HI | 3/1986 | 7/1988 |
| Active Military Duty | U.S. Marine Corps MCAS Futenma | Assistant Operations Officer, HMM-262/Capt | Okinawa, Japan | 7/1988 | 1/1989 |
| Active Military Duty | U.S. Marine Corps MCAS Kaneohe Bay | Assistant Operations Officer, HMH-463/Capt | Kaneohe Bay, HI | 1/1989 | 6/1989 |

| | | | | | |
|----------------------|--|--|--------------------|----------|----------|
| Active Military Duty | U.S. Marine Corps MCAS Tustin | Admin Officer, HMH- 363/Capt | Tustin, CA | 7/1989 | 7/1990 |
| Active Military Duty | U.S. Marine Corps MCAS Futenma | Director of Safety and Standardizatio n, HMH- 363/Capt | Okinawa, Japan | 7/1990 | 7/1991 |
| Active Military Duty | U.S. Marine Corps MCAS Tustin | Operations Officer HMH- 363/Major | Tustin, CA | 7/1991 | 6/1992 |
| Active Military Duty | U.S. Marine Corps MCB Quantico | Student Command and Staff College/Major | Quantico , VA | 7/1992 | 6/1993 |
| Active Military Duty | U.S. Marine Corps Headquarters USMC | Airfield Operations Officer/Major | Washingt on, DC | 7/1993 | 7/1996 |
| Active Military Duty | U.S. Marine Corps MCAS Kaneohe Bay | Commanding Officer HMH- 463/LtCol | Kaneohe Bay, HI | 7/1996 | 7/1999 |
| Active Military Duty | U.S. Marine Corps OSD, Pentagon | Deputy Director, Office of Asia Pacific Affairs/LtCol | Washingt on, DC | 7/1999 | 7/2001 |
| Active Military Duty | U.S. Marine Corps MCB, Camp Butler | Assistant Wing Commander, 1 st MAW/Col | Okinawa, Japan | 7/2001 | 7/2004 |
| Active Military Duty | U.S. Marine Corps Headquarters USMC | Deputy Legislative Assistant to Commandant/ Col | Washingt on, DC | 7/2004 | 6/2006 |
| Active Military Duty | U.S. Marine Corps MCAS Miramar | Commanding Officer, MCAS Miramar/Col | Miramar, CA | 7/2006 | 7/2009 |
| Unemployment | | | Dumfries , VA | 7/2009 | 1/2010 |
| Non-Government | Leupold and Stevens, Inc | Tactical Military Sales Manager | Dumfries , VA | 1/2010 | 5/2010 |
| Federal Government | Department of Veterans Affairs | Principal Deputy Assistant Secretary | Washingt on, DC | 5/2010 | Present |
| | | | | Est □ | Est □ |

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

| <u>Name of Government Entity</u> | <u>Name of Position</u> | <u>Date Service Began</u> (month/year) (check box if estimate) | <u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving) |
|---|---|--|--|
| San Diego County Regional Airport Authority Board | Ex-Officio Member (Military Representative) | 1/2008 <input checked="" type="checkbox"/> Est | 3/2009 <input type="checkbox"/> Est <input type="checkbox"/> Present |
| | | <input type="checkbox"/> Est | <input type="checkbox"/> Est <input type="checkbox"/> Present |
| | | <input type="checkbox"/> Est | <input type="checkbox"/> Est <input type="checkbox"/> Present |

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Presidential Award for Leadership in Federal Energy Management (October 2008)
 Legion of Merit (Three awards)
 Defense Meritorious Service Medal
 Meritorious Service Medal (Two Awards)
 Joint Commendation Medal
 Navy Commendation Medal
 Navy Achievement Medal
 Benevolent and Protective Order of Elks, Poway, CA –Distinguished Citizenship Award (March 2009)
 Office of the Secretary of Defense Identification Badge
 Iraq Campaign Medal
 Global War on Terrorism Service Medal
 Sea Service Deployment Ribbon
 Korean Defense Service Medal
 National Defense Service Medal
 Humanitarian Service Medal

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last ten years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools

attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

| <u>Name of Organization</u> | <u>Dates of Your Membership</u> (You may approximate) | <u>Position(s) Held</u> |
|--|--|-------------------------|
| Delta Kappa Epsilon Fraternity (Beta Phi Chapter) Alumni Association | 2014 | Member |
| Marine Corps Association | 5/2009-Present | Member |
| Marine Corps Aviation Association | 5/2009-Present | Member |
| Veterans of Foreign Wars | 10/2009-Present | Lifetime Member |
| Military Officers Association | 5/2009-Present | Lifetime Member |
| Friendly Sons of St. Patrick, San Diego | 10/2007-4/2009 | Member |
| | | |
| | | |

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No

| <u>Name of Office</u> | <u>Elected/Appointed/ Candidate Only</u> | <u>Year(s) Election Held or Appointment Made</u> | <u>Term of Service (if applicable)</u> |
|-----------------------|--|--|--|
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(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

None

| <u>Name of Party/Election Committee</u> | <u>Office/Services Rendered</u> | <u>Responsibilities</u> | <u>Dates of Service</u> |
|---|---------------------------------|-------------------------|-----------------------------|
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(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

None

| <u>Name of Recipient</u> | <u>Amount</u> | <u>Year of Contribution</u> |
|--------------------------|---------------|-----------------------------|
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7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. None

| <u>Title</u> | <u>Publisher</u> | <u>Date(s) of Publication</u> |
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8. Public Statements

(A) List any testimony, official statements or other communications relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials. None

(B) List any speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the dates and places where such speeches or talks were given.

No major speeches

I gave routine presentations to community organizations while serving as Commanding Officer of MCAS Miramar.

University City Town Hall (Dec/2008), University City, CA followed the crash of a Miramar based aircraft into the local community. The town hall was widely covered by local media.

(C) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews).

Interview with San Diego Tribune, Dec/2008

9. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

| <u>Status and Terms of Any Agreement or Arrangement</u> | <u>Parties</u> | <u>Date</u> (month/year) |
|---|----------------|-----------------------------|
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10. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

11. Testifying Before the Congress

(A) Do you agree to appear and testify before any duly constituted committee of the Congress upon the request of such Committee?

Yes

(B) Do you agree to provide such information as is requested by such a committee?

Yes

[Letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510


Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Christopher E. O'Connor, who has been nominated by President Obama for the position of Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,



David J. Apol
General Counsel

Enclosures

[Letter to the Office of Government Ethics follows:]

November 12, 2015

Ms. Tammy L. Kennedy (023/EST)
Chief Counsel and
Designated Agency Ethics Official
810 Vermont Avenue NW
Washington DC 20420

Dear Ms. Kennedy:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary for Congressional and Legislative Affairs of the U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order no. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

Sincerely,



Chairman ISAKSON. Colonel, which one of your daughters is at Mary Washington?

My son-in-law graduated from Mary Washington. That is a great school.

Ms. O'CONNOR. Thank you.

Chairman ISAKSON. You are a lot more attractive than he is, too. We are glad that you and your entire family are here today, Colonel.

Colonel, I have three or four questions. First and foremost, every morning when I wake up regardless of what time it is, and often-times it is early, I turn on television as I am doing my exercises on the floor. I try to listen to what the news of the day is. Unfortunately, for me, it seems like far too often the Veterans Administration is the first story to hit the airwaves, whether it is the incident

with cockroaches in the VA hospital in Chicago, IL, or the hospital in Denver, CO, that has the cost overrun, or incidents of that nature. I do not bring this up as a negative, but I bring this up as a fact of the matter.

In your job, if confirmed, will you do everything you can to be proactive and make sure this Committee knows in advance to the extent possible when something like this is going to hit so we are prepared for it?

Colonel O'CONNOR. I will, sir. I think it is extraordinarily important to be able to share that information before you get to see it from the media source and ensure that you are aware of what is going on.

Chairman ISAKSON. Well, sometimes that is not possible, but I think most of the time that it is. Unfortunately, it presents a bad image of the VA that is an image that is not really meritorious because my experience with the VA has been basically very good.

There are problems. It is the second largest agency in the Federal Government, and you are going to have problems from time to time. But having the Committee in the loop from the beginning is a whole lot better in terms of responses we are going to end up making from an educated standpoint versus an uneducated standpoint.

You have said in a pre-hearing statement that your goal is to respond to the Committee on simple questions within 48 hours and all other questions Congress might ask within 10 business days. How well do you think VA actually complies with those deadlines?

Colonel O'CONNOR. Those are our goals, and I think we do average. I think there is absolutely room for improvement. On those that are requests for information that are routine, I think we are very good at turning that around and providing the Committee with the information that they have asked for. I think as the issues get more complex we have a more difficult time of trying to meet those time goals.

Folks in my office, the biggest concern I have is ensuring that once we get the request for information that we get it to the respective organization that is going to provide the information and then work to ensure all the way through delivery that it is done as quickly as possible.

Chairman ISAKSON. If you are confirmed for this position, what will be your most important principal requirement and responsibility?

Colonel O'CONNOR. My most important—

Chairman ISAKSON. In your opinion.

Colonel O'CONNOR. My most important is open lines of communications. I think that is the most important thing in creating a foundation of a good, solid relationship—the ability to have those lines of communications, pick up the phone, ask questions, get an answer, and not have to wait or have excessive delays.

Chairman ISAKSON. Basically, that is going to be your responsibility in this position; is that not correct?

Colonel O'CONNOR. It is, sir. It will be.

Chairman ISAKSON. Will you work with the Secretary? You were complimentary of Secretary McDonald, and I am complimentary of

the Secretary. I think he is doing a heck of a job and trying awfully hard.

But, some of the problems Secretary McDonald has had have been communications of his own. I hope you will work to help ensure we temper some of our communication from time to time so we have a little better visual image of the Veterans Administration from those quotes that come out, and if you will work on that I would appreciate it.

Colonel O'CONNOR. Yes, sir, I will work on that.

Chairman ISAKSON. What do you think is the most important thing that the Committee could do to improve our relationship with the Veterans Administration?

Colonel O'CONNOR. Well, I know, sir, from where we stand today, getting the Veterans First Act Passed is extremely important to moving forward with the transformation and to doing more with veterans. The Secretary supports that Act. We have worked with your staff. And that is going to be a game-changer for veterans.

Chairman ISAKSON. That was a great answer because that was what I was hoping you were going to say.

Let me just say this Committee voted unanimously to pass out the Veterans First Act. Every member, Democrat and Republican alike, had a lot to do with that thing.

I had hoped to get it to the floor under a unanimous consent (UC), about a month ago, and then the wheels kind of came off because of other competition. One way or another, we are getting ready. In fact, the Ranking Member and I are having a meeting later on today which hopefully will help facilitate us moving toward being able to do that before the break in July.

But, after the Attorney General's declaration that she was not going to act on behalf of the Veterans Administration to enforce the Veterans Choice Act. The Secretary, much to my chagrin, who yesterday, in an interview with the press, said he was going to take up and follow her lead and not depend on the Veterans Choice Act either, unless this Committee and this Senate and the Congress of the United States passed the Veterans First Act, with the changes we have in accountability and especially for senior executive leadership of the VA, we are going to have a VA that has no accountability whatsoever. Would you agree with that?

Colonel O'CONNOR. Sir, I think when the Secretary evaluated the Attorney General's decision he made the decision internally. He firmly believes in accountability and holding these executives accountable. He just does not want to see any action he would take under the expedited removal to be reversed because he is fearful that the unintended consequences of reversing it would be worse than holding somebody accountable under the preexisting regulations.

Chairman ISAKSON. I respect that and do not take issue with that except to say that because of the decision of the Attorney General and because of Secretary McDonald's decision, if we do not act quickly and with due diligence to get the Veterans First Act passed, we are going to have a difficult time enforcing accountability in the Veterans Administration among senior executive management. Would you agree with that?

Colonel O'CONNOR. I think the culture in the Department is changing, sir. I think that the Secretary, where he is leading the Department is effecting change. I believe that when he gets up and addresses all of his senior executives and talks about accountability, sustainability, and accountability, it is resonating. The change is happening.

I know what is expected of me, and I know what would happen if I did not fulfill those expectations.

Chairman ISAKSON. Well, for the record—and this is not a question; it is just my statement—I appreciate your answer, but if we do not have an accountability mechanism that clearly gives the Secretary the line of authority and the line of appeal in terms of senior management, we are going to have a situation that is less than satisfactory as far as I am concerned. It will send the message to the public we are doing everything we can to overcome what have been some of the shortcomings of the VA in the past few months ahead.

With that said, I will turn to the Ranking Member.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Let me ask you first about the West Haven VA facility. I am told that the construction there is underway on an expedited basis. Is there a way to accelerate it?

Colonel O'CONNOR. Right before coming over, I checked on that, sir, and folks there are saying that they are going to award the design phase within the next day or so. I do not know whether it is approximately a 60-day period there.

But, you know, when you raised that issue with the Secretary at one of the Four Corners Breakfasts, he made sure and directed me to get in touch with Veterans Health Administration. He ensured the facility understood the concerns you had in regards to that crosswalk and the injuries that were sustained by the veteran crossing, and to move forward on that as quickly as possible. And I believe we are.

Senator BLUMENTHAL. I appreciate that attention. It is well deserved. There have been a number of injuries over the past years, one of them fatal, so I hope that we can continue to discuss how to accelerate that timetable that exists now.

On the issue of accountability, can you tell me what the Attorney General said, when she said it, and what the Secretary said and when?

Colonel O'CONNOR. I apologize, sir. I believe the Attorney General's response was May 31. I am unable to explain her response in legal terms. I think the concern was, though, that she felt it was not defensible and therefore was not going to defend the appeal. So that was the information that the Secretary based his decision on and how he would proceed to holding senior executives accountable from that point on.

Senator BLUMENTHAL. Did the Secretary consult his own legal counsel?

Colonel O'CONNOR. I believe so; yes, sir.

Senator BLUMENTHAL. And did the Attorney General of the United States instruct the Secretary as to what he should say or do?

Colonel O'CONNOR. I am not familiar with that, sir.

Senator BLUMENTHAL. Chairman Isakson asked you about the Veterans First Bill. If, in fact, there are constitutional issues and defects in the current accountability procedures or provisions, adopting the Veterans First Bill is not only essential but also important to take account of those issues, correct?

Colonel O'CONNOR. Yes. I think one of the discussions the Secretary had with both gentlemen was the concern obviously that the accountability also gave flexibility in hiring for medical center directors, and VISN directors, and the importance of being able to attract the right talent to be able to fill those important positions. I know the Secretary feels strongly about it and supports the provisions.

Senator BLUMENTHAL. Is the Secretary satisfied that the issues that caused him to say he would not enforce the present law have been satisfied in the Veterans First Act?

Colonel O'CONNOR. I am not aware of any objections at this time, sir.

Senator BLUMENTHAL. Has he consulted with the Attorney General of the United States?

Colonel O'CONNOR. I do not know, sir.

Senator BLUMENTHAL. I suggest that he should so that we do not encounter the same situation again. There is no reason, in my view, that any constitutional issue should be raised. Rather than waiting for her opinion until after we adopt the measure, I would like to be assured that her opinion is that it is, in fact, fully and completely constitutional as I believe it is.

Colonel O'CONNOR. Yes, sir, I will bring that back.

Senator BLUMENTHAL. On the issue of appeals, as you know better than we do, the reform of the appeals process is certainly a high priority goal of the Veterans First legislation. We have supported it, but we are still awaiting a score as I understand it. Is that correct?

Colonel O'CONNOR. I believe CBO still has not issued a formal score; although, informally, they have addressed the House Veterans' Affairs Committee that it is a very low cost. And I know later this week Deputy Secretary Gibson is testifying on the counterpart legislation.

Senator BLUMENTHAL. My understanding is, in fact, that a score has been given to the House committee but not yet to us. Is that correct?

Colonel O'CONNOR. I am aware that the House knows that it is a very low score. We have not seen any formal documentation.

Senator BLUMENTHAL. Well, let me suggest as a first order of business, even before you are confirmed, that perhaps, I say respectfully, you track down whatever exists on paper or whatever number has been informally provided to anyone because the Secretary certainly has made very clear his desire to see the appeals process reformed. We cannot do it without a score.

The Chairman and I have practically berated the appropriate officials to provide a score. And so I think it behooves everyone here to have whatever information is available. So I would be grateful if you could make that a first order of business.

Colonel O'CONNOR. Will do, sir.

Senator BLUMENTHAL. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. It is so nice to have a good lawyer as your Ranking Member.

Senator Rounds.

HON. MIKE ROUNDS, U.S. SENATOR FROM SOUTH DAKOTA

Senator ROUNDS. Thank you, Mr. Chairman.

Colonel O'Connor, I appreciated the opportunity to visit with you earlier in our office, and let me assure you that we want to work with you to get the job done for the veterans, and I appreciate your sense of how important your job is.

One of the issues that I think you are going to be challenged with is whether or not you have the capabilities within the office, as it sits today, to get the job done. I want to share with you where we are coming from and then ask your thoughts, and I want you to give us your current position.

I understand that the job of responding to over 4,000 requests a year is a daunting task, and I appreciate the efforts of you and your office to work with Congress and the American people.

Can you tell me the specific steps your office takes to follow up on outstanding requests once they are logged and tasked out in the system?

For example, my staff submitted one request for information to your office on February 23rd. That still has not been answered other than to say upon receipt that it had been forwarded to the Health Team.

Another request from earlier this year took 39 days to get a response, and that was only after we specifically followed up to make sure your office knew we had not forgotten about it.

I understand that a majority of requests require you to reach out to other directorates in the VA and coordination between the offices can be difficult, but I just want to get an idea for the follow-up process for those requests once you have tasked them out.

Colonel O'CONNOR. Once we task them out, they are assigned to a team within our organization and to a congressional relations officer who is a member of that team. They are responsible for tracking it to completion. We send it to the respective organization that is going to compile the answer.

The key is to continue the open dialog with that organization on the status of that and to provide feedback from the office from which the request came so that there will not be any mistake that it has been lost in a black hole somewhere. The goal is to continue that dialog and ensure that if there are problems associated with the——

Senator ROUNDS. So let me just—so the goal is 10 days, approximately. So, OK, at the end of 10 days, is there a follow-up within the system? Is there an automated system? Is there a process that reminds, a tickler file that it is established within the office, that brings it back up in front of an individual responsible for getting back to a congressional office?

Colonel O'CONNOR. Each and every week, sir, we compile our dashboard that lists the complete array or complete numbers of requests for information but from the respective committees and then from other Members of Congress. And we talk and go through that,

identifying any issues that are causing problems and where if it needs more senior personnel involvement.

We rely on our individuals instead of creating further layers to manage their account. Either requests for information, questions for the record, hearings, and to manage that effectively, and to identify when they have problems with that.

Senator ROUNDS. So is the expectation then that the office making the request needs to follow up at the end of 10 days in order to get a response?

Colonel O'CONNOR. No. The expectation is that our office is always responsible and needs to be actively pursuing and be persistent.

Senator ROUNDS. Would it be appropriate to have perhaps somewhere within the tickler system where if we do not have it within 10 days there is at least a follow-up to assure us that we have not been lost in the system for an extended period of time?

Colonel O'CONNOR. Absolutely. And that is the part when the Chairman asked me earlier about having—you know, what is the most important thing on lines of communications. And that is an instance where we have better work to do in that regards when there are delays, that we do not just leave somebody sitting and wondering, and rather, they at least know we are working it, it has not been lost, and no one has been forgotten.

Senator ROUNDS. Of the more than 4,000 congressional responses that you have provided to Congress in the last year, would you classify a majority of those as unique, or do you find your office consistently responding to the same questions?

In addition to the briefings you conduct and set up by request, is there more the VA could be doing to proactively brief and engage with members and their staffs that might, in turn, cut down on the heavy request workload?

With your background in the Marine Corps Legislative Affairs, do you ever compare DOD's model to the VA's approach?

Colonel O'CONNOR. I do, and I have tried to implement a lot of the things I learned when I worked at Marine Corps Leg Affairs. One of the things we have tried to do is increase the number of briefings and especially increase the number where we get the subject matter expert together with the individuals asking the question. It eliminates back and forth.

Senator ROUNDS. Is there a high redundancy on the questions that are being asked?

Colonel O'CONNOR. Not really.

Senator ROUNDS. Really?

Colonel O'CONNOR. Not really. Each and every question we get is unique to some degree. I wish I could say there would be a cookie-cutter response, but there is not. The members are asking about their respective States, their districts, and therefore, we have to provide a unique set of information.

But, in regards to what you said earlier, it is our goal to be more proactive, to tell you about what we are doing and not have you ask for it. What we try to do is increase the interaction with senior leaders. Specifically, Under Secretary for Health Shulkin and Assistant Secretary for Information Technology Council. We want

them coming over, talking with and committing more than previously to try to keep that flow of information going.

Senator ROUNDS. Very good. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Rounds.

Senator Manchin.

HON. JOE MANCHIN III, U.S. SENATOR FROM WEST VIRGINIA

Senator MANCHIN. Thank you.

Colonel O'Connor, thank you for your service. I know your family is proud of your service; they should be. And I am sure you are proud of your family. I can tell your daughter she will be so relieved when she takes that last class and everything is over, right?

Colonel O'CONNOR. Yes.

Senator MANCHIN. As a father, I understand completely, and I know she will do it.

Let me just say this: your offices, we work with them. It is good and everything.

I am going to follow up on Senator Rounds. In our offices our two highest priorities call-wise are VA and social security. I think it is in probably all of us, 100 of us. With that, people want—they want an answer.

The only thing I can do is I hold all my caseworkers accountable for their cases. So, if they get a case, they get an answer to me every week on that case—how many they have pending, how many news ones, how many they close—so we are on top of it continuously.

I think what needs to be considered here is that—I can just tell you what our staff feels like, and the caseworkers. When we call you, you all have been very gracious. You hand it off, and then it basically gets in cyberspace or something.

We are hoping that maybe we will—you know. Sometimes they really have to dog it. You have always been good on intervening and getting back; I will say that. But if we do not dog it, it does not get done.

Does that make sense?

Colonel O'CONNOR. No, it does make sense.

Senator MANCHIN. I am not being critical. I am just telling you the facts of life because I know if that is my highest caseload I know it is Mike's, I know it is Bill's, and I know it is Johnny's.

We are all getting—I mean, I love it. We have wonderful States and have a lot of veterans, and we are trying to give them the best service. So, we get a little bit antsy about this.

Colonel O'CONNOR. I understand. Our team that has the office here in Russell to provide casework support, they handle upwards of 25 to 27,000 particular inquiries. Our goal is—

Senator MANCHIN. That is what period of time? The 25,000 is when?

Colonel O'CONNOR. On an average yearly basis.

Senator MANCHIN. Yes.

Colonel O'CONNOR. Where we try, both our office here in Russell and in Rayburn.

Senator MANCHIN. Sure.

Colonel O'CONNOR. Now, we understand that constituent casework is——

Senator MANCHIN. Let me tell you one thing, if some of us could bring our heads of our caseworkers in our States and bring them to sit with you.

Colonel O'CONNOR. We would love to have——

Senator MANCHIN. If you have a roundtable sometime, Mr. Chairman, if we could bring him in, it would be wonderful. I think it would help us understand the mammoth problem that you all have and the enormity of your work, but also understand theirs, too.

We ought to do that, Mr. Chairman; if I could request that. Put a working group together with you all?

Chairman ISAKSON. That is an excellent suggestion. I would think we have it in the budget to get him up here, and I am sure the VA would like more than anything to meet with them.

Senator MANCHIN. Well, Johnny, on that—just on this Committee here, if we could all bring our caseworkers.

Colonel O'CONNOR. We would love to support that, sir.

Senator MANCHIN. OK. Now, to the other question I have. You have been working in congressional affairs in VA for the past 6 years and done a great job. In the past 6 years you have served under two secretaries; you have endured crises, like the Phoenix wait time scandal, the opiate scandal in Tomah, WI; seen the birth and the evolution of the Choice Program, and an awful lot more in between.

So, my question would be: What is the most important lesson you have learned in the past 6 years, and what can we do different?

Colonel O'CONNOR. Well, the most important lesson I think I have learned and seen is putting veterans at the center. We often-times, as a Department, have not put the veteran first. We have maybe put the Department first, put our own employees first.

Senator MANCHIN. I gotcha.

Colonel O'CONNOR. And we have never—now under——

Senator MANCHIN. That mission has changed under Bob?

Colonel O'CONNOR. The mission stayed the same. How we are doing it is changing.

Senator MANCHIN. OK. I gotcha.

Colonel O'CONNOR. That is about putting the veteran first.

Senator MANCHIN. There was one other. When I was Governor, some of the best work that was done in my organization was the Department of Veterans Assistance; we had a VA.

As the Assistant Secretary of Congressional and Legislative Affairs, one of your responsibilities is working with and maintaining communication with State governments. How do you think the VA at the Federal level can work with a government?

I mean, our offices, we are U.S. Senate, and we are Congress and all that. But I know the Governor's office and the State offices of VA. Do you have liaisons for that, too?

Colonel O'CONNOR. Yes. That is one of the—when we did a reorganization within the office, the Office of Intergovernmental Affairs moved to what was the Office of Congressional and Legislative Affairs and formed the Office of Government Relations. Here now under one umbrella office, we have responsibility for interfacing

with all levels of government—state, tribal governments, and Federal, as well as county and city. So, we have the capability to ensure that the information that we are providing is getting out to the entire spectrum of important stakeholders.

Senator MANCHIN. Well, Colonel, I look forward to voting for you and supporting you and helping you in any way we can our mission.

And, if I can make the formal request to the Chairman on bringing the caseworkers up to have a roundtable, that would be I think immensely helpful to both of us. Our staffs would understand it, your staffs would understand it, and together we can make a better product. OK?

Colonel O'CONNOR. Yes, sir. I look forward to that.

Senator MANCHIN. Thank you, sir. Appreciate it.

Colonel O'CONNOR. Thank you.

Chairman ISAKSON. Not only do I think it is a good idea, but I am going to appoint you and Senator Rounds to co-chair that event. And let's try and do it before the 15th of July because by the 15th of July we are going to be scattered for 7 weeks.

Senator MANCHIN. We will get one—we will get each one of our members, you and John and all of us, our caseworkers. We will bring them up here.

Chairman ISAKSON. We will make the Committee room available which should be an appropriate room if you will work to get the appropriate staff from the VA here present.

Colonel O'CONNOR. We will.

Chairman ISAKSON. I will bring the donuts.

Senator MANCHIN. Colonel, we will want to do that and we will set it up.

Colonel O'CONNOR. Yes, please.

Chairman ISAKSON. Please tell Senator Rounds that I nominated him. You all be sure and let him know.

Senator Cassidy.

Senator CASSIDY. Thank you.

Colonel O'CONNOR. Thank you.

HON. BILL CASSIDY, U.S. SENATOR FROM LOUISIANA

Senator CASSIDY. Welcome, sir, and thank you for your life of service. I think you kind of addressed the shortcomings and the progress that everybody hopes to be made, and I will just point out when it comes to questions for the record we have questions for the record still pending from October 2015.

To state what everybody else has, there have been some issues as regards timeliness of response. Let me suggest also something that I had mentioned when I first got on this Committee, which is probably a little bit different than what others would have.

You have the data—at least I am told you do—that tells us for each hospital and each VA clinic the number of outpatient visits per provider, the number of no-shows, those people who have visits but do not show up, the number of complaints, and the number of complaints per employee. You have for those who missed their appointment when is their next scheduled appointment.

As a physician, I run into providers across the Nation who will tell me their story. One told me the story of her mental health clin-

ic where if the patient was a half an hour late they were rescheduled for weeks later. A mental health clinic. People having a hard time keeping it together.

You know that. I would like to know that. I have asked in the past, because the only way we can do meaningful oversight is if we have a facility-specific profile of how well it is run.

You mentioned how they are trying to change the mission to where the patient is first and everything revolves around the patient. Unless we know the numbers, we do not know if that is being executed. I have no doubt in some hospitals it is high-performing, particularly for some departments, and in others not so much.

Frankly, it may be a doc that told me, listen, my nurse practitioner gave me 6 months that she was leaving, but I could not advertise until after she left, and then it took me 6 months to fill. So, a year after I knew she was leaving, we finally filled the position, and that does not include.

So, if all of a sudden we see a slowdown in number of patients seen per provider or per provider team; well, that would invite that question. I only know it because a doc stopped me at a meeting and asked, let me tell you my VA story.

So, I guess my plea, which for all of us is for greater timeliness in response, both to our requests as well as that of our workers.

Now I have an additional query: If you can give Sen. Isakson data on every facility in Georgia, me, every facility in Louisiana, et cetera, and their hospital, clinic, and department-specific statistics, I can compare the mental health facility in New Orleans versus the one in Houston or Atlanta. Then, I will feel like I am learning something.

It will be less of a black box where I am not quite sure I know, versus, we have looked at the numbers, and we are seeing that you are doing better, and over time it is even getting better.

So, it is not a question there. It is just kind of a request that I made to one of your colleagues, and I will just make it again.

But, again, thank you for your service and thank you for taking on this job.

Colonel O'CONNOR. Thank you, sir.

Senator CASSIDY. I yield back.

Chairman ISAKSON. Thank you, Senator Cassidy.

Senator BOOZMAN.

HON. JOHN BOOZMAN, U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. Thank you.

There has been a lot of talk—this has just come out—about the fast-track firings. Can you tell me—I know we have discussed it already in the Committee. Can you tell me your position on that?

Colonel O'CONNOR. Insofar as, sir, what the Secretary—when he found out about the Attorney General's decision to not defend the position of the expedited removal, he felt that he did not want to pursue using that authority because of the unintended consequences of getting it overturned at a later date, and therefore, determined the best way to go forward in holding executives accountable within the Department was to use the preexisting accountability authorities that he had. He does not want to see us,

see the Department, removing anybody only to have the courts later reinstate them.

Senator BOOZMAN. Yes, the problem is that the responsibility of the Committee is to hold him and you responsible also.

Again, I just do not understand the reasoning. We passed a law; we both agree with that. Now, the Secretary has decided that because he is concerned about lots of "what-ifs" that he is not going to follow the law. Is that correct?

Colonel O'CONNOR. I believe, sir, that he is——

Senator BOOZMAN. But that is the essence of it, isn't it?

Colonel O'CONNOR. I think he is reviewing what the Attorney General determined and using the Department of Justice decision, if you will——

Senator BOOZMAN. So, his attitude is that the Attorney General trumps Congress passing a law?

Colonel O'CONNOR. I think his concern, sir, again is using that authority only to have it, at some later date, reversed.

Senator BOOZMAN. I think that is fine, but to me, the chain of command or the chain of protocol is he talks to us about that, and then, if his concern is valid, then we change the law. But, he does not get to decide what laws he is going to enforce.

Are there any other things that he is concerned about which he might not follow because he is concerned about unintended consequences down the road that we do not know about?

Colonel O'CONNOR. No, sir.

Senator BOOZMAN. OK. Do you agree with his decision?

Colonel O'CONNOR. Yes, sir, I do. I think the unintended consequences of reversing—if you are removing somebody from their position only at a later date to have them come back, I think——

Senator BOOZMAN. Do you agree with the—I understand that, and like you say, that is an argument to make. Do you agree that he has the authority to simply not follow a law that Congress has passed because his concern for unintended consequences?

Colonel O'CONNOR. I think, sir, in—yes, I believe he does given what the Department of Justice determined.

Senator BOOZMAN. OK.

Colonel O'CONNOR. Because, sir, he is still holding people accountable. It is just a question of which authority he is doing it under. It is not——

Senator BOOZMAN. Well, he was quoted as saying the old process is fine. So, is it fine, or is he doing something different? I mean, that is his quote.

Colonel O'CONNOR. The old process still enables him to hold people accountable, sir.

Senator BOOZMAN. So, I guess the question is: You have been around a couple years. Why haven't we been doing that, with the old process?

I think that there is real concern that we have not been doing a good job of that. I think that concern has been, you know, again from leadership within the VA also. So, if the old process is fine, why haven't we been using that process to do what we need to do?

Colonel O'CONNOR. I firmly believe, sir, that the Secretary has outlined his view of accountability to all of his senior executives.

We know what is expected of us within the senior executive corps and what we need to deliver.

Senator BOOZMAN. So, can you give me some examples of what you are doing to try to hold people accountable that is different?

Colonel O'CONNOR. Well, I can give examples from within my own office in that I think the most important thing, insofar as leadership I learned in the Marine Corps, is to ensure that all your employees understand what is expected of them and how their jobs contribute to the overall accomplishment of the mission.

Along that line, I think as a leader you owe your employees continuous feedback. It is just not done during the midyear performance review or performance appraisal. And, if there are problems, you address them with the employee and their supervisor to ensure that they understand what they need to do to meet the levels of expectation.

Senator BOOZMAN. With a very distinguished career in the Marine Corps, while doing that, did you occasionally have to fire some people?

Colonel O'CONNOR. We had to do—we had to take actions against people.

Senator BOOZMAN. So, you occasionally had to fire some people.

Colonel O'CONNOR. We did not have—I am kind of getting uncomfortable talking about specific personnel in a small office, but we had to make—

Senator BOOZMAN. No, I am talking about in your Marine Corps.

Colonel O'CONNOR. Oh, in the Marine Corps, yes.

Senator BOOZMAN. You needed to do that to make the place—you did what you said, you know, regarding your Marine Corps leadership, and I agree with that totally, and you—you know, nobody has exhibited that more than you have in the sense of your career.

I guess what we are saying, or what I am saying, is that we need to do all those things. At the end of the day, this is like the sixth largest—if this were a corporation, this is the sixth largest corporation in the country. At the end of the day, there are people that do not work out, and they need to be gotten rid of in a fairly easy way. So, again, that is the problem I have.

I do want to thank you so much for your service and truly respect all that you stand for.

Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Boozman, I want to thank you for your questions.

Before I get to another Marine, Senator Sullivan, I want to make a comment.

Colonel, you are a good Marine, and I respect the answers that you gave to the questions that were just asked because you were supporting your boss, and that is what you do in the military and in service. But as you can see, this Committee is—from the remarks that I made earlier, the Ranking Member has made, and that have been made by other members, this situation in terms of accountability has got to be dealt with.

We are looking for communication between the Secretary and the Department and ourselves to make sure we get this Veterans First Bill implemented, we have accountability within the Veterans Administration, and nothing is going to stop us as a committee from

pursuing that until it happens because until we do the VA is going to be in jeopardy.

I will just make that comment.
Senator Sullivan.

HON. DAN SULLIVAN, U.S. SENATOR FROM ALASKA

Senator SULLIVAN. Thank you, Mr. Chairman.

Colonel O'Connor, I appreciate the opportunity to meet with you yesterday and thought we had a good discussion. I want to also mention that how much I, and I know others, respect your service in the Marine Corps and what you did there for three decades.

I think it is clear what you just said. You know, the Marine Corps would not be putting up with not even a minuscule amount of what goes on at the VA. People would be fired like that, and you know that as well as I do. So there is a frustration level here, and I think you are seeing it on the Committee.

But, you know, as you and I talked about, I mean, I was home in Alaska just last weekend and had an opportunity to talk to a Vietnam corpsman. He used to work at the VA; served his country with the Marines, patched up and probably saved a lot of Marines' lives. This is the first thing he talked to me about—this lack of accountability. Again, he was a VA employee.

It just goes well beyond the Committee here. I mean, these are constituents of mine raising the lack of accountability issue.

I think it goes to the ultimate issue that we all know needs to happen, which is rebuilding the trust between the VA and our veterans.

I really think Senator Boozman's line of questioning is actually a really, really important line of questioning because what the Secretary is doing in my view is starting to lay out a dangerous precedent. Then, to kind of have the Congress say, "Here is what we are going to do," and have him say without even having the law challenged—it is one thing to take it all the way and have someone challenge it, go to court, and have the court overturn it. But, to just say, "Ah, the Attorney General thinks it is not going to hold water, so we are never going to use this law," that is a dangerous precedent without any limiting principle. Any executive can do that on anything.

This administration has been very, very roughshod with the rule of law in my view, and this is just another example. I think it is a very, very dangerous precedent.

So, count me as somebody who thinks that is not the discretion that the Secretary should have and it is certainly not the discretion that the Attorney General should be providing the VA. You need to take the law to its max extent, use it, and if it is overturned in a court then we should have the discussion. It is very frustrating.

Let me give you a little bit more context of why it is frustrating from the position you are in. If you are going to do something that major when you know—meaning you as the VA—know that this Committee has been so focused on this accountability issue, then you are just going to do it, and the Chairman and the Ranking Member read about it, like I did, in "Stars and Stripes" and "Military Times," that is a failure on the part of the congressional liai-

son offices. We should not—if there is a major change in policy, we should not be reading about it in the newspaper.

Do you have any comment on that?

Colonel O'CONNOR. I think we could have done it differently and done it better.

Senator SULLIVAN. What would you have done differently?

Colonel O'CONNOR. Given the reaction, we would have hopefully addressed the issue to the Committee before it was ever presented to the public in any way, shape, or form.

Senator SULLIVAN. I think that is absolutely what you should have done. "Given the reaction" is not the only reason you should do that.

If you are trying to change policy that this Committee and the Congress of the United States has passed, and you try to unilaterally change it, and you are going to do that, I think you need to come to the Chairman and the Ranking Member and the rest of this Committee and thoroughly, thoroughly brief us on why you are going to do that before it gets announced in the press and we are all blindsided by it and our constituents are reading yet another story where it seems like the VA does not take accountability seriously.

Can you commit to doing that if you are confirmed?

Colonel O'CONNOR. I do confirm we answered a request for information on this. We should have done it differently. I think hindsight being 20/20, if we went back, we would not do it the same way. And we are very much aware of the frustration that we created by doing it in that manner.

Senator SULLIVAN. Mr. Chairman, may I have time for one more question?

Chairman ISAKSON. Certainly.

Senator SULLIVAN. Another area where I think there has been frustration, and I think it is among all members, is the responsiveness of the VA where a lot of offices—I know mine included. We make requests, and then we wait, and we wait, and then we are always trying to proactively say, "Hey, any luck on this request?" "No." "Any luck on this request?" "No."

It seems like we are the ones always reaching out, and I think that that can be reversed. If you know that there is an interest of the Committee Members on requests that we have had, you should be proactively reaching out to us and even if you do not have the information. "Hey, we know this is important to you, Mr. Chairman, but we do not have it yet, but we are on it." Right.

I think that would breed a lot more trust just between the Committee and the VA because just from this Committee's records, in the last couple months, it has taken 3 months for the VA to answer a routine question, 49 days for the VA to tell the Committee that they do not have a policy requiring doctors performing compensation exams and provide copies of their resumes to the veterans being examined if the veteran requests it.

I have a whole list. I am going to submit them for the record, where the Committee was asking questions and it was taking any time from 3 to 6 months for the VA to get back. And these are not big questions; they are pretty routine questions.

So, could you commit to, and maybe you can comment on, the issue of responsiveness to this Committee? Because, ultimately, it is not only our questions of policy, it is questions of cases that involve America's veterans.

At the end of the day, we need to get back to making sure our veterans have the trust and confidence in the VA, and taking forever to answer questions does not build that trust and confidence.

Colonel O'CONNOR. Yes, sir, I will commit to doing things differently. As I mentioned earlier, one of the key things from my experience working Marine Corps Leg Affairs was the open lines of communications and the way we would interface with congressional offices.

Much like you said, there were often times where we would just say, "We have a problem. We will get back to you." In fact, because of our relationships that was good enough, and there were no negative comments, and we were able to—

Senator SULLIVAN. But that is not happening right now with the VA.

Colonel O'CONNOR. That is where we want to get to, and that is why I still want to do this job. Because I believe getting there is extraordinarily important to build better relationships between Congress and VA.

On talking to your staff, we are getting there. The people we are hiring, the people who work in the office now understand, and they are doing a good job of having that communication. I have empowered them to have those open lines of communications and not to—you do not have to run things all the way through chains of command. You have got to be able to interface.

The key thing that I mentioned and I will reiterate, when we do run into problems, we have to alert people we are having problems, there are delays, and to give some level—some expectation of when somebody can expect something and not just "We are working on it." There has got to be something better and more concrete than that.

Senator SULLIVAN. Well, I think if you do that those would be very important reforms that we would all welcome. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. We will do a second round in case anyone wants to ask some more questions, but I want to ask a follow-up on what has been said by every Member of the Committee. Do the requests that come to the Department from Members of the Committee go to your office first and then you assign them to the appropriate person to respond?

Colonel O'CONNOR. The majority of them do, yes, sir.

Chairman ISAKSON. OK. Well, then you can be a catalyst to solve the biggest problem that was described so well by Dan Sullivan. The minute you get that and you assign it, you should have a rule that if it cannot be responded to in 48 hours, which is your desire to do so on simple questions, that a call goes from whomever you assign it to, to the office of the Member of the Senate, that it is going to take longer than 48 hours and to tell them when they can expect it.

If it is a complicated question or one that you normally would guarantee a 10-day delivery, which you all do not do, require that

once you assign it, they pick up the phone and call Senator Blumenthal's office or my office or Senator Sullivan's, and say, "I cannot do it in 10 days, but I will try to get it by X, and I will call you back."

There is an absence of responsive communication, in my judgment, from the VA to members or to staff members on the staff of Members. That leaves this issue bigger than it really is, but it is a big issue. I think you can tell from listening to everybody around here that a lot of us end up getting caught not knowing the answer to questions we ought to already know because you all did not get the response to us in a timely fashion.

So, number 1, if you are confirmed, that is the first thing. If I were you, I would institute some system where they respond back to you, where you know if members are not getting a response.

Second, it is obvious from everybody—we did not have a meeting before this meeting to say here is what we are going to ask you. We did not discuss this amongst ourselves, any of us. Yet, every Member that has come in and asked questions, without exception, has addressed this issue of accountability, the issue of taking the position of Loretta Lynch and the issue that the Secretary has taken.

We are not going to stop until we get a situation set where we have an accountability mechanism in the VA that works, holds the VA accountable, and makes it happen. I think the Veterans First Bill is the bill that does that.

Whatever the case, when you go back and report to headquarters, what did they talk about or what did they ask you about, we talked about two things:

One, responding to Member requests in a timely fashion and creating a mechanism to know how that is happening at the Department; and

Two, and most importantly, to deal with this issue of accountability and the decision the Secretary has made to not follow up, as Loretta Lynch did as well, because for every one of us in here that is a nonstarter. It is something that has got to be fixed, and the sooner the better, when passing Veterans First.

With that said, I will turn to the Ranking Member if he has a question or a comment.

Senator BLUMENTHAL. Thank you.

First, just a minor correction to a point made by my colleague and friend, Senator Sullivan. Actually, the law has been challenged in court in a case called *Helman v. Veterans Affairs Administration*.

In the brief submitted by the Department of Justice, as I read it, the Department declines to defend the decision of the administrative judge below. It is challenged on the basis that it is an unconstitutional procedure that has been set forth under the statute because the final authority is vested in that administrative judge, which seems a fairly narrow decision by the Department of Justice, but still highly consequential for all the reasons that we have stated here because the Department of Justice declining to defend a statute of the United States is a decision of the highest and most profound consequence.

You have heard the consensus here that there is a lot of doubt on this Committee about the correctness of that decision. It may be well justified, but we have no explanation for it from either the Attorney General of the United States or the Secretary of Veterans Affairs.

I understand that Secretary McDonald is not a lawyer. He is a distinguished graduate of West Point. And I think his training is in the business area, and certainly he has a lot of accomplishment in that area.

You are not a lawyer unless I am mistaken. So, we are not going to hold you to try to explain that decision.

Where I am going is to say I would like to ask, with the Chairman's permission, for a formal explanation from the Attorney General of the United States through the Secretary of Veterans Affairs of whatever decision has been made and what the reasons for it are.

The Attorney General of the United States, by the way, has a responsibility to obey the Constitution. So, if there is an unconstitutional statute, certainly the issue of enforceability is raised.

As Attorney General I sometimes faced the decision whether to enforce a statute that I had questions about in terms of constitutionality, and generally for me, the standard was, in a sense, unconstitutionality beyond a reasonable doubt in effect. So, I cannot even remember a time when I did not enforce a statute, but there may well have been.

My point is that I think the Congress, and particularly this Committee, deserves an explanation, as Senator Sullivan said very correctly, and the Chairman, not just to read about it in the "Military Times" or "Stars and Stripes," but an explanation in writing formally as to what the reasons are for this decision to decline to defend a decision or a statute.

That may all be a long-winded way of saying—and not blaming you because this was a decision above your pay grade, so to speak, but—simply that if you could make sure that this Committee is provided with such an opinion.

Colonel O'CONNOR. I will.

Senator BLUMENTHAL. Thank you.

Chairman ISAKSON. Senator Sullivan or Senator Boozman have you any questions?

Senator BOOZMAN. The only comment I would make is I think that is an excellent suggestion. Certainly, you know, if we need to—if you need any help with the rest of the Committee, I think, you know, that would be very appropriate. Yet, I really would like to know officially what this is all about.

Also, I thought the summary that Senator Isakson talked about, the concerns that we have regarding that issue, and the Member requests that Senator Sullivan talked about. Then, problems that they have when you are dealing with facilities. They are trying to get information and struggling in that regard, too.

I would really like to see a more proactive approach and a little bit less defensive actions in those regards.

Thank you, Mr. Chairman, and thank you to the Ranking Member for having a very, very good hearing.

Chairman ISAKSON. Without objection, the statistics that were referred to by Senator Sullivan will be submitted for the record and will appear in the record in terms of the responsiveness of the Department.

Senator SULLIVAN. Thank you, Mr. Chairman.
[The information referred to follows:]

ISSUES SUBMITTED BY HON. DAN SULLIVAN

VA has not yet responded to post-hearing questions from the Budget hearing in February 2016 or a legislative hearing in March 2016.

- 3 months to answer a routine question about how disability ratings are calculated. (March 10, 2016, request; June 15, 2016, answer)
- 49 days to tell the Committee that VA does not have a policy requiring doctors performing compensation and pension examinations to provide copies of their resumes to veterans being examined if the veteran requests it. (Feb. 3, 2016, request; March 24, 2016, answer)
- 160 days to tell the Committee which offices within the Veterans Health Administration (VHA) were writing reports required by the fiscal year 2016 Military Construction and Veterans Affairs Appropriations bill. By the time the Committee's question was answered, the reports had already been sent to the Appropriations Committee. (Jan. 7, 2016, request; June 17, 2016, answer)
- 42 days to send the Committee a White Paper, written by VHA's Pharmacy Benefits Management Service, on the potential effects on what VHA pays for pharmaceuticals because of initiatives on the November ballot in three states. (Mar. 30, 2016, request; May 12, 2016, answer)

Chairman ISAKSON. Also, for the Ranking Member's edification, while he was away, Senator Manchin was involuntarily assigned by me, and Senator Rounds, who left early and was assigned by me, are going to co-chair a roundtable in this room hopefully before the 15th of July with the appropriate people at the VA and each of the caseworkers in our offices back home, so we get some one-on-one dialog back and forth supporting that much-needed communication.

Senator BLUMENTHAL. I think that is an excellent idea, and as usual, the Chairman's best decisions are made without my being in the room.

Chairman ISAKSON. I would never agree to that, but you clean up what I mess up, which I appreciate a lot.

Senator BLUMENTHAL. I really, very seriously, think it is a great idea. Thank you, Mr. Chairman.

Chairman ISAKSON. This was a tough hearing, and I understand—yes, Senator Sullivan.

Senator SULLIVAN. Mr. Chairman, I just want to reiterate what the Ranking Member said. I think it is really important as a follow-up to this hearing to get a full briefing from senior officials at the VA, but probably more important, senior officials at the Justice Department.

This issue of accountability is an enormously important one for literally millions of Americans. For us to work through it as a Congress and pass legislation and then have the Attorney General of the United States essentially say, "Sorry, I am not going to enforce it because I think it is unconstitutional," we need a heck of a lot more of a detailed briefing, very detailed briefing. Again, it should have been done well before they started to implement this policy.

I just want to thank Senator Blumenthal for that good suggestion, and I certainly will be somebody who attends that briefing when we get it with the Justice Department. It should be soon. It should be real soon. I think they owe it to us.

Chairman ISAKSON. Well, the Ranking Member and I will make that request to DOJ as expeditiously as possible, and we have a meeting in an hour where we can begin that process.

What I was about to say a minute ago is, Colonel, this was a tough hearing, and it was a tough hearing because there are some tough issues to be dealt with at the Veterans Administration.

You are going to be—if you are confirmed for this position, which, hopefully, we will move expeditiously to get that confirmation moving. So, if you are confirmed for this position, you have got a big job and you have a short period of time to fulfill it, about seven months.

We are serious as a heart attack about trying to get to the bottom of this issue in terms of more timely responses, number 1, and clear, streamlined accountability in the Veterans Administration, and an explanation for the Attorney General's decision, and the subsequent acceptance of the Secretary of the Attorney General's decision, not to enforce the law of the land passed by the Congress of the United States and signed by the President of the United States.

With that, it has been a great day. We are delighted to have your family here today.

We will leave the record open for a——

Senator BLUMENTHAL. Can I make one quick comment?

Chairman ISAKSON. Senator Blumenthal.

Senator BLUMENTHAL. Pardon me, Mr. Chairman.

It has been a tough hearing, but you have done a really good job at this hearing. I look forward, as the Chairman does, to your swift confirmation.

Senator SULLIVAN. Mr. Chairman, I would just add that I agree with that. And I certainly plan on voting for Colonel O'Connor, and hopefully, we get him in there soon.

Chairman ISAKSON. Nobody is going to know their job better than you by the time you get there; I can promise you that.

We appreciate your being here. We appreciate your family being here. We wish you the best of luck.

This Committee meeting stands adjourned.

[Whereupon, at approximately 3:35 p.m., the Committee was adjourned.]

[The posthearing questions to Colonel O'Connor follows:]

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO
CHRISTOPHER E. O'CONNOR, NOMINEE TO BE ASSISTANT SECRETARY FOR CONGRES-
SIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. In response to pre-hearing questions, you stated that VA's goal is to respond to simple questions from Congress within 48 hours and to all other questions from Congress within 10 business days.

A. For each of the past 2 years, what percentage of the time did VA meet those timeliness goals overall for Congressional requests?

Response. During the last two years, VA has conducted or provided responses to:

| | FY2015 | FY2016 (FYTD–May 31, 2016) |
|---------------------------------------|-------------------------|-------------------------------|
| Hearings | 79 | 50 |
| Delivery of on time testimony | 94% | 91% (Goal is 90%) |
| Briefings | 782 | 586 |
| Requests for Information (RFIs) | 2,984 | 1,879 |
| Technical Assistance | 348 | 503 |
| Questions for the Record (QFRs) | 38 Sets (631 Questions) | 25 Sets (273 Questions) |
| Delivery of on time QFRs | 77% | 68% (Goal is 85%) |
| Executive Letters | 549 (31 bus. days) | 475 (46 bus. days) |
| Constituent Casework | 27,853 | 19,835 |

VA's guidelines indicate that "simple" requests for information (RFIs) are to be answered within 48 hours and other questions should be provided an answer within 10 business days. OGR does not maintain performance metrics against these RFI guidelines for the nearly 3,000 inquiries that pass through the office on an annual basis. I am evaluating establishing performance metrics for RFIs; however, the varying complexity of each RFI makes it difficult to compare responsiveness. I recognize the need to better measure responsiveness, which is why I am working with internal organizations to streamline the process by which OGR receives answers to RFIs that are taking over 10 business days to complete.

B. For each of the past 2 years, what percentage of the time did VA meet those goals for requests from Members of this Committee?

Response. During the last two years, VA has conducted or provided responses to SVAC for:

| | FY2015 | FY2016 (FYTD) |
|---------------------------------------|-------------------------|-----------------------|
| Hearings | 12 | 8 |
| Delivery of on time testimony | 100% | 100% (Goal is 90%) |
| Briefings | 151 | 109 |
| Requests for Information (RFIs) | 451 | 26 |
| Technical Assistance | 215 | 393 |
| Questions for the Record (QFRs) | 12 Sets (147 Questions) | 8 Sets (62 Questions) |
| Delivery of on time QFRs | 58% | 75% (Goal is 85%) |
| Executive Letters | 29 (27 bus. days) | 40 (37 bus. days) |
| Constituent Casework | 444 | 251 |

Question 2. At the hearing, you testified that the Office of Government Relations generates a weekly report on outstanding requests from Congress.

A. Currently, how many requests from Members of this Committee have not yet been fulfilled?

Response. Per OGR Workload Dashboard of June 23, 2016, the following SVAC items were identified as outstanding:

| SVAC | |
|---|------------------------|
| Requests for Information | 17 |
| Technical Assistance on Legislation | 6 |
| Questions for the Record | 3 Sets (112 Questions) |
| Executive Letters | 0 |
| Briefing Requests | 5 |
| Constituent Casework | 30 |

B. Of those requests that have not been fulfilled, how many have been pending longer than 10 business days?

Response. Per OGR Workload Dashboard of June 23, 2016, the following SVAC items were outstanding longer than 10 business days:

| | SVAC |
|---|-----------------------|
| Requests for Information | 4 |
| Technical Assistance on Legislation | 3 |
| Questions for the Record | 2 Sets (59 Questions) |
| Executive Letters | 0 |
| Briefing Requests | 5 |
| Constituent Casework | 13 |

Question 3. At a House Veterans' Affairs Committee hearing on June 23, 2016, VA expressed regret for lack of timely notification to Congress about VA's recent decisions to retire VistA and discontinue use of its expedited firing authority for senior executives.

A. Under what circumstances is it VA's policy to proactively notify Congress about significant new information, incidents, policy changes, or other emerging issues?

Response. While there is no official VA policy directive, it is my intent that Congress always learns of announcements with Congressional interest prior to them being made public. To the extent that OGR is made aware of decisions and provided information with which to notify appropriate staff, there should be no surprises for Members and congressional staff as the Department unveils new initiatives, personnel decisions, incidents, and other key information.

B. Were those policies followed with respect to the issues mentioned above? If not, what factors led to that failure to follow the policy?

Response. Both of these incidents could have been better coordinated. In the case of discontinued use of expedited firing authority, SVAC staff was notified ahead of public release, but we failed to notify the remainder of our oversight committees. In the case of any VistA-related decisions, this topic was discussed in an SVAC hearing and was then incorrectly characterized by the media. Additional pre-coordination would have ensured Congress had been provided more up-to-date information.

C. What steps can be taken to ensure that Congress is being proactively notified of emerging issues in the future?

Response. OGR will work to do a better job both ensuring the office has visibility of emerging issues and coordinating any announcement within the Department to ensure that Congress is appropriately notified. If confirmed, I will speak with leaders in the Department to underscore the need for thorough coordination that explicitly addresses the requirement to notify Congress in a timely manner, ahead of any public announcement.